



STATE OF CONNECTICUT

DEPARTMENT OF TRANSPORTATION

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Office of the
Commissioner

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Public Hearing – March 3, 2010 Transportation Committee

Testimony submitted by Commissioner Joseph F. Marie Department of Transportation

H.B. 5386 – An Act Concerning the Safety of Pedestrians and Cyclists and the Promotion of Healthy Communities.

The Department of Transportation (Department) has made significant strides in recent years in advancing a more balanced intermodal transportation network in the state of Connecticut. While we have been supportive of advancing enhancement initiatives for bicycle and pedestrian around the state, we have reservations with the H.B. 5386 requirement that ten percent of the Federal Funds (as defined by the proposed bill) received by the State be used to create a competitive grant program for municipalities. We view this as a fundamental “set aside” and counter to our philosophical and practical efforts to view our entire transportation program in a more objective and systematic manner.

Last session, the General Assembly passed Public Act 09-154, which required that at least 1 percent of the total funds received by the Department of Transportation (Department) or any municipality for construction, restoration, rehabilitation, or relocation of roads to be spent for facilities for “all users” including at least, bikeways and sidewalks with curb cuts and ramps.

The Act further required that on or before October 1, 2009, and again by October 1, 2010, the transportation commissioner report to the Transportation Committee and the newly created Connecticut Bicycle and Pedestrian Advisory Board (Board) a list of state- or federally-funded projects that have been undertaken that contain bicycle and pedestrian access. The act explicitly included any federally-funded projects under the Interstate Maintenance, National Highway Safety, Congestion Mitigation and Air Quality, and Transportation Enhancement programs, but did not exclude other federal transportation programs.

As reported to the Committee and the Board last year, ConnDOT identified 41 projects awarded in Fiscal Year 2009 that included elements for pedestrians or bicyclists, such as sidewalks, audible pedestrian signals, push buttons, signs, pedestrian/bicycle trails, and ramps. The total dollars expended for the items equaled \$9.9 million, which was 1.9 percent of total funds awarded for the construction, maintenance and repair of roads in the State. The data set used for this posting covered State Fiscal Year 2009 (7/1/2008 through 6/30/2009), and included state and municipal projects awarded during the period, with completion dates projected before December 2012.

While the report represented what the Department believed to be a conservative list of identifiable expenses made for bicycle and pedestrian accommodations, it is important to note there were other types of accommodations made to projects during the normal course of planning and engineering that benefitted all users (e.g. increasing the shoulder width of a road through line striping).

Again, through PA 09-154, the Legislature created the Connecticut Bicycle and Pedestrian Advisory Board for the purpose of advising state agencies on policies, programs and facilities for bicycles and pedestrians. The Department supports the Board and believes that over the next year the Board will provide meaningful recommendations to ConnDOT on investing in programs and improving bicycle and pedestrian access throughout the state. The Department believes that this Board working cooperatively with the Department will meet the intent of this bill and that a process separate from the Board would lessen its ability to influence bicycle and pedestrian policies and programs.

The Department is also concerned about the impact of a 10% set-aside requirement on the three funding programs cited in the proposed bill: (1) Highway Safety Improvement Program (HSIP), (2) Congestion Mitigation and Air Quality Program (CMAQ), and (3) National Highway Safety 402 Funds Program (402 Program). The funds in these programs are limited to specific purposes prescribed in federal legislation. The proposed bill does not ensure that projects funded through the proposed new project selection process will meet the requirements of these three federal programs.

Highway Safety Improvement Program. HSIP was established in 2006 to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. While this may include safety improvements for bicyclists and pedestrians, the funds must be used for the best uses intended on reducing fatalities and serious injuries.

National Highway Safety Funds. The National Highway Safety 402 Funds Program is designed to reduce traffic crashes and resulting deaths, injuries, and property damage. Similar to HSIP, the funds must be used for the best uses intended on reduce traffic crashes and resulting deaths, injuries, and property damage. Additionally, at least 40 percent of these funds are to be used to address local traffic safety problems. In both cases, this proposed legislation would prevent the Department from meeting the intentions of these federal programs.

CMAQ Funds. The CMAQ program is intended to reduce criteria air pollutants regulated from transportation-related sources. It is also, the primary funding mechanism for the state to meet the National Ambient Air Quality Standards. Projects funded through this program must demonstrate a positive air quality impact. The dedication of funding to bicycle and pedestrian projects may not meet this requirement since projects must demonstrate a reduction of automobile emissions or other improvement to air quality.

The Department believes that it will be unable to ensure that it meets the requirements of these three federal programs if this legislation is enacted.

The Department recently provided the Transportation Committee with an outline of ConnDOT's five-year Capital Program which identified more than \$2.5 billion in unfunded roadway and bridge programs and more than \$1.2 billion in unfunded needs on our transit infrastructure. At the November 19, 2009 informational hearing, we committed to a further dialogue with the Committee about our challenges and how they can be met. Discussion of bicycle and pedestrian projects will be and should be included in this overall discussion.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation at (860) 594-3013.